

EXHIBIT 4

PATRICK BYRNE

June 14, 2023

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JUSTIN GUY, individually on behalf
of himself and others similarly situated,
Plaintiff,

vs.

Case No. 20-cv-12734

Hon. Mark A. Goldsmith

ABSOPURE WATER COMPANY, LLC, a
Domestic Limited Liability Company,
Defendant.

The Remote Deposition of PATRICK BYRNE,
Commencing at 10:04 a.m.,
Wednesday, June 14, 2023,
Before Helen F. Benhart, CSR-2614,
Appearing remotely from Wayne County, Michigan.

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1 REMOTE APPEARANCES:

2
3 MICHAEL N. HANNA

4 Morgan & Morgan, P.A.

5 2000 Town Center

6 Suite 1900

7 Southfield, Michigan 48075

8 (313) 251-1399

9 mhanna@forthepeople.com

10 Appearing on behalf of the Plaintiff.

11
12 MICHAEL O. CUMMINGS

13 Cummings, McClorey, Davis & Acho, P.L.C.

14 1185 Avenue of the Americas

15 3rd Floor

16 New York, New York 10036

17 (212) 547-8810

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19 Appearing on behalf of the Defendant.

20
21 ALSO PRESENT:

22 JONI HYSKA

PATRICK BYRNE

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1 Remote Proceedings

2 Wednesday, June 14, 2023

3 10:04 a.m.

4

5 THE REPORTER: The attorneys participating
6 in this deposition acknowledge that I am not
7 physically present in the deposition room. They
8 further acknowledge that in lieu of an oath
9 administered in person, the witness will verbally
10 declare his testimony in this matter is under penalty
11 of perjury. The parties and their counsel consent to
12 this arrangement and waive any objections to this
13 manner of reporting. Please indicate your agreement
14 by stating your name and your agreement on the record.

15 MR. HANNA: This is Michael Hanna and I
16 agree.

17 MR. CUMMINGS: Michael Cummings, I agree.

18 THE WITNESS: Patrick Byrne and I agree.

19 PATRICK BYRNE,
20 Was thereupon called as a witness herein, and after
21 having been first duly sworn to testify to the truth,
22 the whole truth and nothing but the truth, was
23 examined and testified as follows:

24 EXAMINATION

25 BY MR. HANNA:

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1 Q. Good morning, Mr. Byrne.

2 A. Good morning.

3 Q. You understand you were just placed under oath, right?

4 A. Yes.

5 Q. You were deposed before in this matter, correct?

6 A. Yes.

7 Q. You previously served as the company's corporate
8 representative, correct?

9 A. Yes.

10 Q. You provided several other statements under oath as
11 well in this matter under penalty of perjury, correct?

12 A. Yes.

13 Q. Who prepared those statements for you?

14 A. I prepared -- I mean, I -- well, which statement
15 exactly?

16 Q. All of them. Who prepared them?

17 A. I don't know if I --

18 MR. CUMMINGS: Objection, vague. Go ahead.

19 THE WITNESS: I don't know if I could tell
20 you all of them. If you -- I don't know that every
21 one had the same genesis. I don't know if you're
22 just -- I don't know. I don't know what you mean by
23 the question.

24 BY MR. HANNA:

25 Q. Why don't you tell me about everyone who prepared a

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1 statement that you signed under penalty of perjury in
2 connection with this lawsuit.

3 MR. CUMMINGS: Objection, compound, and it
4 looks like it's outside the scope. We were -- the
5 scope on the subpoena mentioned documents recently
6 produced, so I think it would greatly helpful if you
7 were to point to particular ones because it's a broad
8 question.

9 MR. HANNA: Mr. Cummings, are you familiar
10 with the order that was placed for conduct in
11 depositions that we've placed against your firm?

12 MR. CUMMINGS: Yes, and I'm telling you --

13 MR. HANNA: So don't make --

14 MR. CUMMINGS: -- your question is --

15 MR. HANNA: -- speaking objections, and as
16 you should know as a practicing lawyer, for 30(b)(6)
17 depositions we can ask questions that the deponent had
18 in his personal knowledge.

19 MR. CUMMINGS: Right.

20 MR. HANNA: Let me finish, please. Don't
21 interrupt me when I'm making a record. Don't talk
22 over me. The court reporter can only take one person
23 down. We can ask him questions that he's required to
24 prepare for and things in his personal capacity, which
25 is what I'm doing right now. This should not be very

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1 controversial so --

2 MR. CUMMINGS: The form of your question
3 is.

4 MR. HANNA: I understand. You've placed
5 your objection to form. We got it on the record.
6 Thank you.

7 BY MR. HANNA:

8 Q. Patrick, who prepared any of the declarations that you
9 testified and signed under oath in this lawsuit under
10 penalty of perjury?

11 A. I mean, I work with counsel and I reviewed and, you
12 know, verified that everything was truthful and
13 accurate.

14 Q. Which counsel? Which counsel -- strike that. Which
15 counsel did you specifically work with in connection
16 with any of the statements that you signed under
17 penalty of perjury in this lawsuit?

18 A. Mr. Hyska and then the attorneys from CDMA.

19 Q. So Mr. Hyska is the individual that provided you with
20 the declarations for you to sign under penalty of
21 perjury in this lawsuit?

22 MR. CUMMINGS: Objection, assumes --
23 presumes basis.

24 BY MR. HANNA:

25 Q. That's not a real objection, but go ahead, Patrick.

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1 **A. Typically the documents were sent to me for review by**
2 **someone from CDMA, and without -- I mean, I don't**
3 **recall the attorney's name on every document that I've**
4 **looked at.**

5 Q. And you've signed off on each and every one of those,
6 correct?

7 **A. Yes.**

8 Q. Okay. And did you ever make any changes to the
9 content that they contained?

10 **A. Yeah. There were certainly revisions based upon my**
11 **review, yes.**

12 Q. Okay. And do you swear to the accuracy of and
13 truthfulness of everything you signed in this matter
14 under oath under penalty of perjury?

15 **A. Yes.**

16 Q. Okay. All right. You are designated as the corporate
17 representative for -- as the individual with the most
18 knowledge regarding the documents produced in this
19 lawsuit, correct?

20 **A. Yes.**

21 Q. Okay. I want to go over some of that. Before we get
22 into that, it's my understanding from your counsel
23 that your company was hacked by Kronos during the
24 Kronos hack, I guess it would be in late 2021 to 2022,
25 is that correct?